

AO 91 (REV.5/85) Criminal Complaint

AUSA Erik Hogstrom (312) 353-8709

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

6-3-08
JUN - 3 2008

UNITED STATES OF AMERICA

v.

REY MARTINEZ-LESPIER

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CRIMINAL COMPLAINT

MAGISTRATE JUDGE SCHENKIER

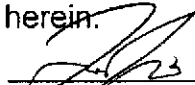
CASE NUMBER:

08CR 451

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief. On or about March 11, 2008, at Wheaton, Illinois, in the Northern District of Illinois, Eastern Division, REY MARTINEZ-LESPIER, defendant herein,

being an alien, who previously had been deported and removed from the United States on or about April 17, 2003, and September 22, 2003, was found in the United States without previously having obtained the express consent of the Secretary of the Department of Homeland Security, for reapplication by defendant for admission into the United States;

in violation of Title 8, United States Code, Sections 1326(a) and (b)(2); and Title 6, United States Code, Section 202(4). I further state that I am a **Deportation Officer** with the Bureau of Immigration and Customs Enforcement ("ICE") and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.



Signature of Complainant
FRANCISCO TREVINO
Deportation Officer, U.S. Immigration and Customs
Enforcement

Sworn to before me and subscribed in my presence,

Date: June 3, 2008

at Chicago, Illinois
City and State

Magistrate Judge Sidney I. Schenkier
Name & Title of Judicial Officer


Signature of Judicial Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

AFFIDAVIT

I, Francisco Trevino, the undersigned affiant, first being duly sworn upon oath, hereby depose and state the following:

1. I am a Deportation Officer with the United States Department of Homeland Security, Border and Transportation Security Directorate, U.S. Immigration and Customs Enforcement (ICE). I have been employed by this agency, or the legacy Immigration and Naturalization Service (INS), for more than seven (7) years. I am currently assigned to the Chicago, Illinois ICE Office;

2. In my employment, I am assigned to investigate alleged violations of the Immigration and Nationality Act, including activities which constitute the illegal re-entry of aliens into the United State after such aliens have previously been lawfully deported from the United States;

3. This affidavit is made in support of the issuance of a Criminal Complaint and Warrant of Arrest against subject Rey MARTINEZ-Lespier;

4. On March 11, 2008, ICE agents assigned to the DuPage County Jail in Wheaton, Illinois encountered MARTINEZ-Lespier. It was discovered that MARTINEZ-Lespier is a previously deported alien from Mexico. An administrative detainer for MARTINEZ-Lespier was then placed with the DuPage County Jail. On June 2, 2008 MARTINEZ-Lespier was received into ICE custody per said detainer.


5. The A file of MARTINEZ-Lespier (A73-213-610) shows he is a native and citizen of Mexico who was lawfully deported from the United States to Mexico on April 17, 2003 and

September 22, 2003. The file contains no record of MARTINEZ-Lespier requesting permission to apply for readmission to the United States from the Secretary of Homeland Security after his deportation. On May 13, 2008 a fingerprint comparison was conducted by the ICE Forensic Document Laboratory containing prints from the April 17, 2003 and September 22, 2003 deportations and prints taken by ICE on May 1, 2008. The comparison results showed the prints belong to the same person, MARTINEZ-Lespier.

6. MARTINEZ-Lespier's file also reveals that on May 17, 1990 MARTINEZ-Lespier was convicted in Los Angeles, California for the offense of HS-Possess Narcotic Controlled Substance in violation of 01:11350(A) and was sentenced to 24 months probation/50 days jail. On May 29, 1991 MARTINEZ-Lespier was convicted in Los Angeles, California for the offense HS-Possess Narcotic Controlled Substance in violation of 01:11350(A) and was sentenced to 36 months probation/245 days jail. On January 27, 2006 MARTINEZ-Lespier was convicted in Cook County, Illinois for the offense of Possession of a Controlled Substance in violation of 720 ILCS 570.0/402-C and was sentenced to 24 months special probation.

7. MARTINEZ-Lespier unlawfully re-entered the United States and was found within the United States after being lawfully deported. These alleged acts are in violation of Title 8, United States Code, Section 1326(a). These alleged violations occurred in DuPage County, within the Northern District of Illinois.

FURTHER AFFIANT SAYETH NOT.


FRANCISCO TREVINO, Deportation Officer
U.S. Immigration and Customs Enforcement

Subscribed and sworn before me
this 3rd of June, 2008.


HONORABLE SIDNEY I. SCHENKIER
UNITED STATES MAGISTRATE JUDGE